

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11
Case No. 20-10809 (SMB)

P8H, INC. d/b/a Paddle8,

Debtor.
-----X

**DECLARATION OF THERESA A. DRISCOLL IN
SUPPORT OF THE MOTION OF MORITT HOCK &
HAMROFF LLP TO WITHDRAW AS COUNSEL OF
RECORD FOR FBNK FINANCE S.a.r.l.**

Theresa A. Driscoll, Esq., pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury under the law of the United States of America as follows:

1. I am (i) a partner of the law firm Moritt Hock & Hamroff LLP ("MH&H"), (ii) a member of the bar of the State of New York, and (iii) admitted to practice in this Court.
2. I submit this declaration in support of MH&H's motion pursuant to Local Civil Rule 1.4 and Rule 2090-1(e) of the Local Bankruptcy Rules for the Southern District of New York ("LBR") to withdraw as counsel for FBNK Finance S.a.r.l. ("FBNK Finance").
3. On or about April 8, 2020, MH&H was retained by FBNK Finance in connection with the representation of FBNK Finance in the Debtor's pending Chapter 11 case.
4. Between March 26, 2020 and June 19, 2020, the attorneys at MH&H familiarized themselves with the file including the client documents provided as well as the pleadings filed in bankruptcy case. MH&H appeared before this Court several times in connection with cash collateral use and other matters. Following this Court's appointment of Megan E. Noh, Esq. , as Chapter 11 Trustee, MH&H had preliminarily discussions with the Trustee's counsel regarding a potential consensual agreement regarding the fixing of FBNK Finance claims in the case.

5. However, despite MH&H's efforts to communicate and obtain information and documentation from FBNK Finance to facilitate a potential resolution with the Trustee, MH&H's repeated attempts to move the matter forward largely went unaddressed. As such, MH&H's ability to guide the client effectively has been impeded by a breakdown (and lack) in communications. Additionally, during this time period, FBNK Finance has failed to pay MH&H's invoices as billed for services rendered since April 2020 (in contravention of the terms of the engagement letter FBNK Finance agreed upon). Further, on or about July 1, 2020, my office sent an email to our contact at FBNK Finance indicating that we would be filing a motion to withdraw as counsel on or after July 7. Prior to filing these papers, and on July 13, 2020, our principal contact at FBNK Finance advised us that the stock of FBNK Finance had been sold and introduced us to the new ownership by email. Between July 13, 2020 and the date hereof, I communicated with the new owners about the status and direction of this chapter 11 case and the extent to which they were interested in having us continue as counsel for FBNK Finance. On July 21, 2020, I was advised by a FBNK Finance representative that our services would no longer be needed on this matter.

6. Accordingly, MH&H respectfully requests the Court grant the within Motion and enter an order permitting MH&H to withdraw as counsel for FBNK Finance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 20, 2020

/s/ Theresa A. Driscoll
Theresa A. Driscoll